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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Albania, Argentina, Australia, Austria, Bulgaria, Canada, Chile, Côte d'Ivoire, Czech Republic, Denmark, Finland, Germany, Georgia, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, Hungary, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 50/170 of 22 December 1995, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal

[1] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Declaration of Human Rights,[2] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

Expressing concern that the underresourcing of the Centre for Human Rights of the Secretariat is one impediment to the human rights treaty bodies in their ability to carry out their mandates effectively,

Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome existing difficulties with their effective functioning;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[3]

1. Welcomes the report of the persons chairing the human rights treaty bodies on their seventh meeting, held at Geneva from 16 to 20 September 1996,[4] and takes note of their conclusions and recommendations;

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[2] Resolution 217 A (III).

[3] A/51/425.

[4] A/51/482, annex.

2. Encourages greater efforts to identify measures for more effective implementation of the United Nations human rights instruments;

3. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

(c) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-second session;

4. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States;

5. Requests that the Secretary-General prepare, from within existing resources, a detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] the International Covenant on Civil and Political Rights,[5] the International Convention on the Elimination of All Forms of Racial Discrimination,[6] the Convention on the Elimination of All Forms of Discrimination against Women,[7] the Convention on the Rights of the Child[8] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[9] with a view to identifying duplication of reporting required under these instruments;

6. Requests the United Nations High Commissioner for Human Rights, in accordance with his mandate, to encourage the independent expert to finalize his interim report on possible long-term approaches to enhancing the effective

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[5] Resolution 217 A (III).

[6] Resolution 2106 A (XX), annex.

[7] Resolution 34/180, annex.

[8] Resolution 44/25, annex.

[9] Resolution 39/46, annex.

operation of the human rights treaty system[10] in time for the final report to be considered by the Commission on Human Rights, as requested by the General Assembly in its resolution 48/120 of 20 December 1993, at its fifty-third session;

7. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

8. Expresses concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

9. Also expresses concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

10. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

11. Requests the United Nations High Commissioner for Human Rights to ensure that the revised Manual on Human Rights Reporting is available in all official languages at the earliest opportunity;

12. Encourages the efforts of the human rights treaty bodies to examine the progress made in achieving the fulfilment of human rights treaty undertakings by all States parties, without exception;

13. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

16. Welcomes the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies, and request the United Nations High Commissioner for Human Rights to make every effort to ensure that recent reports and the summary records of committee

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[10] A/CONF.157/PC/62/Add.1/Rev.1

discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

17. Also welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

18. Endorses the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance coordination and cooperation between the human rights treaty bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities;[11]

19. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

20. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographic distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

21. Takes note of the recommendation by the persons chairing the human rights treaty bodies that any new human rights treaty should allow for simplified amendment of its procedural provisions;[12]

22. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider opportunities for the participation by representatives of the human rights treaty bodies in their meetings;

23. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the recommendation by the meeting of the persons chairing the human rights treaty bodies that each treaty body continue to consider how it might most effectively incorporate gender perspectives in its work practices;[13]

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[11] A/51/482, annex, para. 53.

[12] Ibid., para. 25.

[13] Ibid., para. 60.

24. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

25. Requests the Secretary-General to report to the General Assembly at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

26. Decides to continue giving priority consideration, at its fifty-second session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".